

THE COMPLETE AND  
OFFICIAL  
**1 9 0 4**  
**Game & Fish Laws**  
of the  
STATE OF MONTANA  
Revised January 1, 1904

**The Lacey Bird Law**  
(Federal Law)

Compiled and Published by  
**W. F. SCOTT**  
**State Game and Fish Warden**  
**Helena, Montana**

Compared and found correct.  
GEO. M. HAYS, Secretary of State  
JAMES DONOVAN, Attorney General

"INDEPENDENT PUBLISHING COMPANY, HELENA, MONTANA."



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### **NOTICE.**

All letters and communications sent to this office are treated as "strictly confidential." I would be pleased to hear from any one at any time regarding any violation that may come to their knowledge and they may rest assured that their names will not be brought into the case without their permission.

Respectfully,

W. F. SCOTT.

# Complete Game and Fish Laws.

In Force 1904.

Revised January, 1904.

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The reference marks on the outside margin show where the section can be found in the session laws; S. B. stands for Senate Bill; H. B. for House Bill; S. L. for Session Laws.

Section 1. Any person who wilfully shoots or kills, or causes to be shot or killed any Moose, Bison, Caribou, Buffalo, Quails, Chinese Pheasants, Mountain Sheep, Antelope or Beaver, shall be punished by imprisonment in the state prison for a term not exceeding two years, or in the county jail not less than six months, or shall be fined not more than Five Hundred (\$500.00) Dollars, nor less than Fifty (\$50) Dollars, or by both such fine and imprisonment, provided however, it shall be lawful for any person to kill beaver upon his own premises, when such killing is necessary for the protection of said premises.

Animals protected at all times

H B No. 13  
S. L. 1901

Exception on Beaver

Sec. 2. Any person who wilfully shoots or kills, or causes to be shot or killed any female elk and any person who between the first day of November of one year and the first day of September of the following year wilfully shoots or kills or causes to be shot or killed any male elk, or who in a single open season shall shoot or kill, or cause to be shot or killed more

Elk

H B No. 13  
S L 1901

Open season on Bull Elk, Sept. 1st to Nov. 1st  
Limit two

than two male elk, shall be punished by imprisonment in the state prison for a term not exceeding more than two years, or in the county jail not less than six months, or by a fine of not more than five hundred dollars nor less than one hundred, or by both such fine and imprisonment.

Deer and  
Rocky Mountain Goat.  
Open season  
Sept. 1st to Jan.  
1st. Limit six.

Sec. 3. Any person who between January first and September first of the same year, wilfully shoots or kills, or causes to be shot or killed, any deer, Rocky Mountain goat, or who, in a single calendar year's open season shoots or kills, or causes to be shot or killed more than six deer or Rocky Mountain goat, shall be punished by imprisonment in the state prison for a term not exceeding one year, or in the county jail not less than three months, or by a fine of not more than Five Hundred (\$500.00) Dollars nor less than One Hundred (\$100.00) Dollars, or by both such fine and imprisonment.

H B No. 13  
S L 1901

Hunting with  
dogs

Sec. 4. Every person, who, wilfully hunts, chases, or runs with dogs, any of the animals mentioned in the three preceding Sections, at any time, shall be punishable by a fine not exceeding Two Hundred and Fifty Dollars, or imprisonment in the county jail not to exceed three months or both.

H B No. 123  
S L 1897

Grouse, Prairie Chicken,  
Foolhen,  
Pheasant or  
Partridge.  
Open season  
Sept. 1st to  
Dec. 1st.

Sec. 5. Every person who between the first day of December and the first day of September, of the following year, wilfully shoots or kills or causes to be shot or killed, any grouse or prairie chicken, fool hen, pheasant, or partridge, or who between the 15th day of December and the first day of

August, of the year following, wilfully shoots or kills, or causes to be shot or killed, any sage hen or turtle dove, or who during the open season shoots or kills, or causes to be shot or killed, more than twenty (20) grouse or prairie chicken, or fool hen, or pheasant, or sage hen, or turtle dove, or partridge, in one day, shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars, nor more than Two Hundred and Fifty (\$250.00) Dollars, or by imprisonment in the county jail to not exceed three months, nor less than one month, or by both such fine and imprisonment.

Sage Hen and  
Turtle Dove  
Open season  
Aug. 1st to  
Dec. 15th.

H. B. No. 13  
S L 1891

Sec. 6. Every person, who, wilfully shoots or kills, or causes to be shot or killed, any wild geese, wild ducks, brants, or swan, between the first day of May and the first day of September of the same year, shall be punishable by a fine of not less than Twenty-five Dollars, nor more than Two Hundred and Fifty Dollars, and by imprisonment in the county jail for a term not to exceed three months, and not less than one month, or by both such fine and imprisonment.

Wild Geese,  
Ducks, Brants  
and Swan  
Open season  
Sept. 1st to  
May 1st.

H B No. 123  
S L 1897

Sec. 7. Every person, who, wilfully shoots, or otherwise kills or causes to be killed, any meadow lark, blue bird, thrush, oriole, woodpecker, mocking bird, gold-finch, snow-bird, cedar-bird stork, or any other of the small birds known as singing birds, shall be punishable by a fine not exceeding One Hundred Dollars, nor less than five Dollars and by imprisonment in the county jail not to exceed three months or by both such fine and imprisonment.

Small and  
singing birds  
protected at all  
times

H B No. 123  
S L 1897

Restraining for  
sale or domes-  
tication

H B No. 123  
S L 1897

Destroying  
nests or carry-  
ing away the  
eggs

H B No. 123  
S L 1897

Fish

Penalty for use  
of grab hooks,  
seines, etc.

Sec. 8. That any person who shall wilfully catch, trap or otherwise restrain, for the purpose of sale or domestication or any other purpose, any buffalo, elk, moose, or mountain sheep within the State, shall be deemed guilty of a misdemeanor and be fined not more than Five Hundred Dollars, nor less than One Hundred Dollars and shall be imprisoned in the county jail not exceeding six months or by both such fine or imprisonment for each offense committed in the discretion of the court.

Sec. 9. Any person who shall wilfully destroy the nests or carry away the eggs from the nests of any of the birds or wild fowl mentioned in this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than Five Dollars nor more than Twenty-five Dollars for each offense committed, or by imprisonment in the county jail for a period of not exceeding sixty days, or both, at the discretion of the court.

Sec. 10. Every person who takes or catches fish in any of the streams, lakes or ponds of this State, except with a pole, line and hooks, or any person who takes or catches fish with a hook baited with any poisonous thing or substance, or by means of dams, or in the use of any fish traps, grab-hooks, seines or similar means for catching fish, is guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Twenty-five Dollars, nor more than Two Hundred Dollars, or be impris-



oned in the county jail not less than thirty days, nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

Sec. 11. It is, however, lawful to use a seine or catch net for the purpose of catching fish in the Missouri River, below Great Falls, and in the Yellowstone River, below Big Horn, provided said seine or net has a mesh not less than two inches square; and it is also lawful to use a seine or net in any stream, lake or pond for the purpose of taking fish to transport into or stock other streams, lakes or ponds in the State of Montana.

Use of seine.  
When lawful

Restriction on  
size of mesh.

Sec. 12. Every person, who, in any way, catches any trout or graylings for speculative purposes, for market or for sale, and every person who offers for sale or sells speckled Mountain trout in the State of Montana is guilty of a misdemeanor, and shall be punished as provided in Section 10 of this Act. This Section shall not apply to fish caught in private ponds by owners thereof.

Catching trout  
or graylings  
for speculative  
purposes

H B No. 123  
S L 1897.

Private ponds

Sec. 13. If any person, or persons shall use any giant powder or other explosive compounds for the purpose of catching or killing fish, he shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine not less than Two Hundred Dollars, nor more than Five Hundred Dollars, or by imprisonment in the State Prison not less than one year nor more than three years, or both such fine and imprisonment.

Use of giant  
powder or other  
explosive com-  
pounds.

Sec. 14. Every person who operates any saw mill on or near any

Sawmill debris  
and sawdust in  
stream.

stream, who dumps, drops, carts, deposits, or causes to be deposited in any such stream, any saw dust, bark or debris, coming from said saw mill, is punishable by a fine not less than Fifty Dollars nor more than Two Hundred and Fifty Dollars, or by imprisonment in the county jail not less than thirty days, nor more than ninety days, or both such fine and imprisonment, in the discretion of the court.

Fishways  
over all dams.

H B No. 123  
S L 1897

Sec. 15. There shall be constructed at all dams now existing or any that may be hereafter placed on any of the streams of the State, a fish way or ladder, said fish way or ladder to conform to the following requirements: It shall be from three to six feet in width, as the fish and game warden may direct; it shall extend from the base to the apex of the dam; it shall be strongly constructed and made of at least two-inch planks; the sides shall not be less than one foot in height; it shall have wings placed on the inside at an angle of not more than forty-five degrees, which said wings shall not be more than four feet apart along each side of the way or ladder; the way or ladder shall have a slope of not more than thirty degrees. Any persons or corporations who shall violate any of the provisions of this Section, upon conviction thereof, shall pay a fine of not less than Fifty Dollars, nor more than Two Hundred Dollars, or be imprisoned in the county jail for a period of not less than thirty days, nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

(Plans and specifications for fish way can be had by applying to State Game and Fish Warden.)

Sec. 16. The possession of the dead bodies or any part thereof, or any of the birds or animals mentioned in this Act shall be prima facie evidence that such person or persons is or are guilty of killing the same.

Possession  
prima facie  
evidence

Sec. 17. Any person or persons, agent or employee, of any stage or express company, or railroad company, or association of persons, who shall receive for transportation or carriage, or shall sell or offer for sale, fish or game that have been taken or killed contrary to the provisions of this Act, knowing or having reason to believe that such fish or game were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than One Hundred Dollars, nor more than Three Hundred Dollars for each lot or shipment of fish or game so transported or carried, or be imprisoned in the county jail for not less than ninety days, or both in the discretion of the court.

Transportation  
of fish or game,  
or selling, or  
offering for sale  
same, by ex-  
press, stage or  
railroad com-  
panies

H B No. 123  
S L 1897.

Sec. 18. Every person who shall sell or offer for sale, any of the birds or animals or any part thereof mentioned in Sections 1, 2, 3, 4, 5 and 6 of this Act, is punishable by a fine of not less than Twenty-five Dollars or more than Two Hundred and Fifty Dollars, or by imprisonment in the county jail for not less than thirty days, nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

Selling or offer-  
ing for sale  
birds or animals

**Duties of  
Grand Jury**

H B No. 123  
S L 1897

**Indians and  
half breeds**

**Duties of  
Sheriffs, Peace  
Officers and  
County Attor-  
neys.**

Sec. 19. It shall be the duty of all grand juries to investigate all infractions of any provisions of this Act, except such cases and violations as may have been tried by a court of competent jurisdiction, and upon due proof of violation of any of the said provisions, they shall proceed to indict such party or parties according to law, and it is hereby made the duty of the Judge of the District Court to call the attention of the Grand Jury to the provisions of this Act. The District Court shall have concurrent jurisdiction with the justices of the peace of all offenses committed under the provisions of this Act. And it is further provided that in construing this Act, the provisions and penalties hereinbefore made and prescribed shall be deemed and held to include all Indians and half breed Indians when outside the Indian Reservation. It is further provided and declared to be the duty of any sheriff, or peace-officer of any county of this State, and the county attorneys of the respective counties when it shall come to their knowledge, or they shall have reason to believe that any person has violated any of the Sections of this Act, to commence criminal proceedings against them either in the Justice or District Court, as in their judgment shall be proper, and any failure on the part of any county attorney, sheriff or other peace officer, or game warden, who has knowledge of the violation of any of the provisions of this Act to commence such proceedings, shall be deemed a misdemeanor, and

he shall be punished by a fine of not to exceed Five Hundred Dollars or by imprisonment in the county jail for not less than six months, or both such fine and imprisonment in the discretion of the court and shall forfeit his office.

Sec. 20. All fines and penalties mentioned in any Section of this Act may be collected by a civil action in the name of the State of Montana, in any court of competent jurisdiction, upon proper complaint being filed; All such fines and costs shall be collected without stay of execution and such defendant or defendants may, by order of the court be confined in the county jail of such county until such fine and costs are paid.

Collection of  
fines without  
stay of execu-  
tion.

Sec. 21. Whenever it shall appear under any prosecution under any Section of this Act making it a felony for the violation thereof, that the crime was committed, or that the game was killed, or the fish caught in violation of law in any other State other than Montana, it shall be the duty of the magistrate or the court before whom the trial was had to hold said defendant for at least ten days, and for such further time as may be necessary to allow the authorities of said State wherein the law has been violated to take the necessary steps to secure the arrest and extradition of the accused, if they so desire; and on the holding of the accused under the provisions of this Section, it shall be the duty of the county attorney, or attorney prosecuting to immediately notify the proper officers of the State and coun-

H B No. 123  
S L 1897

When crime  
was committed  
in other state

ty in which it appears the law has been violated, of all the facts and circumstances connected with said proceeding.

H B 123  
S L 1897

Exception in  
case of hunger  
or suffering

Sec. 22. When it is shown that any violation of the provisions of this Act was for the purpose of preventing great suffering by hunger, of any person or persons, which could not otherwise been avoided, the provisions of this Act shall not apply to said case.

Exception of  
State  
Institutions

Sec. 23. None of the Sections of this Act shall apply to persons hunting or otherwise engaged in collecting specimens under the direction of, and in the interest of any State Educational Institutions of the State of Montana.

**SENATE BILL NO. 30.**

Approved Feb. 21, 1903.

An Act to provide further protection of birds, fish, fur-bearing animals and game, by regulating and restricting the shipping of the same out of the State; by providing for licensed guides and requiring certain non-resident hunters to employ the same, and by requiring taxidermists to secure a license to conduct business, and to provide penalties for violation of this Act.

Section 1. Any non-resident, who is not a tax-payer in the State of Montana, who hunts or kills any deer, elk, Rocky Mountain goat, or mountain sheep, without having first procured a license therefor, as provided by law, shall be punished by imprisonment in the state prison for a term of not exceeding one year, or in a county jail not less than one month, or by a fine of not more than five hundred dollars, or less than one hundred dollars, or by both such fine and imprisonment.

Non-resident  
hunter's license,  
large game  
See page 34,  
Sec. 19

Sec. 2. Any non-resident who is not a tax-payer in the State of Montana, who hunts or kills any grouse, prairie chicken, fool hen, pheasant, partridge, sage hen, wild goose, wild duck, brant, or swan, without having first procured a license therefor, as provided by law, shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred and fifty dollars, or by imprisonment in a county jail not to exceed three months, nor less than one month, or by both such fine and imprisonment.

Non-resident  
hunter's license,  
small game  
See page 35,  
Sec. 20

Unlawful to  
ship out of  
the state.

Sec. 3. It is unlawful, and is hereby prohibited, for any person, or persons to ship or take out of the State any of the birds or game animals, or any part thereof, mentioned in sections 1, 2, 3, 4, 5, 6, or 7, of an Act to repeal sections 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, and 1144 of the Penal Code of the State of Montana, and to provide further protection to birds, fish, fur-bearing animals and game, approved March 8, 1897, except as herein provided for.

Resident's  
shipping  
permit.

Sec. 4. Any resident of this State who desires to ship out of the State any of the birds or animals, or parts thereof, mentioned in said Act during the open season for the killing of the same, the same having been killed lawfully, shall first procure a permit from the State Game and Fish Warden, said permit stating the name of the consignee and consignor, destination, and number and kind of game that is shipped, and said permit shall be presented to the transportation company with the consignment of game.

Non-residents  
desiring to  
ship.

Sec. 5. Any non-resident of this State who has procured a hunter's license, and who desires to ship out of the State any of the birds or animals, or any part thereof, mentioned in this Act, during the open season for killing the same, the same having been killed lawfully, shall present to the transportation company his li-



cense, with the consignment of game to be shipped, provided that no one person shall ship in one year more game than it is lawful for one person to kill in a single open season.

Sec. 6. It shall be unlawful for any person to ship, or offer for shipment, or for any transportation or common carrier, company, or any agent, servant, or employe of any such company, to ship or accept for shipment, any of the game birds, or game animals, or any parts thereof, mentioned in this Act, for transport out of the State, except the same be accompanied by a permit issued by the State Game and Fish Warden, as herein provided, or by a non-resident hunter's license. When said permit is presented the company shall compare the description on the same with the consignment of game to be shipped and if the same is correct, the company may accept the consignment, and shall take up the permit and return the same to the State Game and Fish Warden at once. When non-resident hunter's license is presented, the company shall examine the license and if the kind of game offered for shipment is covered by said license, said game may be accepted for shipment; provided that the amount of game offered for shipment is not in excess of the limit as prescribed by law to be killed by any one person, in any one open season. The company shall endorse upon the back of said license in ink the name of the station from which shipment is made, date, destination, consignee, and the number of each kind

Common  
carrier  
companies.

of game shipped. The company shall at once notify the State Game and Fish Warden, giving the number of the license, name of holder, shipping station, date, name of consignee, destination, and the number and kind of each kind of game shipped. Should a license be presented with a consignment of game for shipment, and the endorsements on the back of same show that the number of such game as was lawful to be killed by any one person in one single open season, had already been shipped on said license, the company shall refuse to accept same for shipment. It shall be unlawful for any transportation or common carrier company, or any agent, servant or employe of any such company to ship or accept for shipment any large game on a non-resident hunter's small game license, and vice versa.

Must be  
carried as  
baggage or  
express.

Sec. 7. It shall be unlawful for any person to ship out of this State any birds, fish or animals protected by the laws of this State, except when the same shall be in the personal possession of, or carried as baggage or express, by the owner thereof, and accompanied by the owner thereof, upon the same train or other conveyance.

Must be  
plainly  
marked.

Sec. 8. It is required that all packages containing fish or game shall be labeled in plain letters on the address side of the package, so as to disclose the contents thereof.

Penalty.

Sec. 9. Any person or persons, transportation or common carrier company, agent, servant or employee of any transportation or common carrier

company who shall violate any of the provisions, or any part thereof, contained in Sections 3, 4, 5, 6, 7 and 8 of this Act, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars, or imprisonment in a county jail not less than thirty days, nor more than ninety days, or both such fine and imprisonment. All game shipped or had in possession in violation of any of the provisions of this Act may be seized, confiscated and disposed of, as provided by law.

Disposition of  
game seized.

Sec. 10. No person shall engage in the business of guiding as the term is commonly understood, without first having procured from the State Game and Fish Warden, a guide's license. Any competent person, who is a bona fide citizen of the State of Montana, shall, upon the presentation of an affidavit, stating that the applicant is of good moral character and responsible, and signed in which the applicant of the county in which the applicant lives; and by the applicant signing the oath of office of a Deputy State Game Warden, and making the payment of ten dollars to the State Game Warden, received from him a guide's license, which shall be good for one year only; provided, that upon payment of ten dollars annually said license may be renewed. Such license shall state the name, age, and place of residence of the holder, and shall further recite that the holder of such license is a person of good moral character. Every person acting as a guide in this State shall be a Deputy

Licensing of  
guides.

Shall be  
deputy game  
wardens

State Game and Fish Warden, and shall file with the State Game and Fish Warden his oath of office as such Deputy Game Warden, but shall receive no compensation from the State in any way for such services, other than the consideration above mentioned.

Guides re-  
sponsible for  
acts of  
parties taken  
out.

Sec. 11. Any person acting as a guide for any person or party shall be equally responsible with such person or party, for any violation of the law, and any such guide who shall wilfully fail or refuse to report any violation of the law, by the said person or party employing him, shall be liable to the penalties as hereinafter provided for.

Meaning of  
the term guide.

Sec. 12. Any person who shall, for pay, aid or assist any person or party in locating, pursuing, hunting or killing any of the game birds or animals mentioned in this Act, shall be deemed a guide within the meaning of this section.

Guide's  
reports.

Sec. 13. Whenever a guide is employed by any person or party, such guide shall at the expiration of the period of the time for which he was employed, make a written statement to the State Game and Fish Warden, stating the number of days he was employed, the number of person guided, their names, residences, and the number of each kind of game killed; and if non-residents, the number of their license.

Penalty.

Sec. 14. Any person violating any of the provisions contained in sections 11, 12, 13, and 14 of this Act shall be punished by a fine of not less than

fifty dollars nor more than three hundred dollars, or imprisonment in a county jail for not less than sixty days, nor more than six months, or both such fine and imprisonment, and, in all cases of conviction their license shall be revoked.

Sec. 15. Any person who shall engage in, or who is at the present time engaged in conducting any taxidermist business, as the term is generally understood, or any person who conducts a business for the purpose of mounting, preserving or preparing any of the dead bodies of any of the birds or animals, or any part thereof, mentioned in the game laws of this State, must first obtain from the State Game and Fish Warden a taxidermist's license, such license to be taken out annually and shall cost twenty-five dollars per annum. Such person shall on the first day of each month, make a written report to the State Game and Fish Warden of all the articles of game, the kind and number of each, by whom owned and residence of owner, received during the past month, also of all the articles of game shipped and to whom and where shipped during the last month; also the amount and kind of each on hand on the last day of the month, and by whom owned and owner's address.

Taxidermists'  
licenses.

Taxidermists'  
reports.

Sec. 16. Any person failing to secure the herein mentioned license, or who shall fail, neglect, or refuse to make the above mentioned report, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dol-

Penalty.

lars, nor more than five hundred dollars, or by imprisonment in the county jail for a term not less than three months, or more than six months, or both such fine and imprisonment, and in all cases of conviction their license shall be revoked.

Sec. 17. All acts or parts of acts in conflict herewith are hereby repealed.

Sec. 18. This act shall be in effect from and after its passage and approval.

## HOUSE BILL NO. 45.

Approved Feb. 16, 1903.

An Act to prevent all persons owning or operating a coal mine on the bank of a stream containing fish or water which is used for domestic purposes, or for irrigation from depositing coal slack or other refuse from such mine in such stream, and for fixing the penalty for violation thereof.

Section 1. All persons owning or having in operation, and all persons who may hereafter own or put in operation in the State of Montana, either in person or by agent, any coal mine on any stream containing fish or water which is used for domestic purposes, or for irrigation, are hereby required to so care for any coal slack or other refuse emanating from such coal-mining operations as to prevent the same from mingling with the waters of such stream.

Dumping coal  
slack in  
streams.

Sec. 2. All persons owning or operating, or who may hereafter own or operate any coal mine on any stream containing fish or water which is used for domestic purposes, or for irrigation, who shall dump, cart, or deposit, or cause or suffer to be deposited in such stream any such coal slack or other refuse emanating from such coal-mining operation, shall be deem-

Penalty.

ed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than two hundred (\$200) dollars nor more than five hundred (\$500) dollars for each and every offense.

Sec. 3. This act shall be in full force and effect on and after June 1st, 1903.

Sec. 4. All acts and parts of acts in conflict with this act are hereby repealed.



## HOUSE BILL NO. 75.

Approved Feb. 14, 1903.

An Act to amend Section 1123 of the Penal Code of the State of Montana, relating to the dumping of refuse in streams.

Section 1. That Section 1123 of the Penal Code of the State of Montana is amended to read as follows:

Sec. 1123. Every person who operates any saw-mill, pulp-mill, paper mill or wood manufacturing plant on or near any stream, lake, or any body of water connected with any stream or lake, who dumps, drops, carts, deposits or causes to be deposited in such stream, lake, or body of water connected with any stream or lake, any saw-dust, bark, chemicals, refuse or debris coming from said saw-mill, pulp-mill, paper mill or wood manufacturing plant, is punishable by a fine not exceeding five hundred( \$500) dollars.

Dumping  
refuse from  
sawmills, pulp  
mills, etc., in  
streams.

Sec. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 3. This act shall be in force from and after its passage and approval.

**SENATE BILL NO. 90.**

Approved March 5, 1903.

An Act entitled an Act regulating the carrying of fire arms by Indians while off of Indian Reservations.

Unlawful for  
Indians to leave  
reservations  
armed

Section 1. Any Indian who while off of, or away from, any Indian reservation carries or bears, or causes to be carried or borne by any member of any party with which he may travel or stop, any pistol, revolver, rifle or other fire arm, or any ammunition for any fire arm, shall be guilty of a misdemeanor; and such arms shall be seized, confiscated and sold by the officer making the arrest and the proceeds of such sale shall be disposed of as follows: When seized and sold by an officer of the Stock Association the proceeds shall be sent to the State Treasurer and by him placed to the credit of the Stock Inspector and Detective Fund; when seized and sold by a game warden, the proceeds shall be placed to the credit of the Fish and Game Fund; and when seized and sold by any other peace officer, the proceeds shall be turned over to the County Treasurer and placed to the credit of the general fund in which county the arrest was made.

Seizure of  
arms

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 3. This act shall be in full force and effect from and after its passage.

**SENATE BILL NO. 76.**

Approved March 5, 1903.

**An Act to Amend Section 1054 of the Criminal Code of the State of Montana, relating to malicious mischief, by adding to said Section another subdivision to be known as 7.**

That Section 1054 of the Criminal Code of the State of Montana be and the same is hereby amended so as to read as follows:

Section 1054. Every person who wilfully commits any trespass, by either—

1. Cutting down, destroying, or injuring any kind of wood or timber standing or growing upon the lands of another; or,

2. Carrying away any kind of timber or wood lying on such lands; or

3. Maliciously injuring or severing from the freehold of another anything attached thereto or the produce thereof; or,

4. Digging, taking or carrying away from any lot situated within the limits of any incorporated city, without the license of the owner or legal occupant thereof, any earth, soil, or stone; or,

5. Digging, taking or carrying away from any land in any of the cities of the State, laid down on the map or plan of such city, or otherwise recognized or established as a street, alley, avenue or park, without the license of the proper authorities, any earth, soil or stone; or,

6. Putting up, fastening, printing, or painting upon any property belonging to the State, or to any city, coun-

ty, town, or village, or dedicated to the public, or upon any property of any person without license of the owner, any notice, advertisement or designation of, or any name of any commodity, whether for sale or otherwise, or any picture, sign, or device intended to call attention thereto; or,

Hunting on  
premises with-  
out permission

**7. Hunts or fishes, without permission, upon the enclosed premises of another, when there is posted upon such premises in one or more conspicuous places, a notice, warning against trespass; is guilty of a misdemeanor.**

## HOUSE BILL NO. 147.

Approved Mar. 18th, 1901, as amended by Senate Bill No. 31, approved Feb. 28th, 1903.

An Act to repeal Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, and to provide for the appointment of a state game and fish warden, deputy game and fish wardens and defining their powers and duties and providing for their compensation.

Section 1. That Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 and 3114 of the Political Code of the State of Montana, be and the same are hereby repealed.

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S L 1901

Sec. 2. That the Governor shall immediately after the passage of this act and every four years thereafter, appoint a state game and fish warden; he shall hold his office for a period of four years, or until removal as hereinafter provided:

Appointment of  
State Game  
Warden and  
term of office

Sec. 3. Said state game and fish warden before entering upon the discharge of his duties shall give a bond to the state of Montana, in the sum of Three Thousand (\$3,000.00) dollars for the faithful performance of the duties of his office, which bond shall be approved by the Governor and filed in the office of the Secretary of State.

Bond

Sec. 4. The duties of said state game and fish warden shall be to examine into and inquire about any violation of the game and fish laws of this state, and to institute prosecutions for any violation of the law, and he is

Duties and  
police powers

vested throughout the state with all the powers of a sheriff in making arrests and in the prosecution of all offenses against the game and fish laws of the state. He shall have general supervision over all deputy game and fish wardens and all special deputy game and fish wardens hereinafter provided for; and he is hereby authorized to appoint such deputies.

How removed

Sec. 5. That said state game and fish warden may at any time be removed at the will of the Governor, and at any time a vacancy for any reason occurs in said office, the Governor of the State of Montana is hereby authorized and directed to make an appointment to fill said vacancy.

Salary and expenses

S B No 31  
S L 1903

Sec. 6. The compensation of the State Game and Fish Warden shall be at the rate of Eighteen Hundred (\$1,800.00) Dollars per annum, payable in monthly installments at the end of each month; he shall be paid for all actual and necessary traveling expenses and other actual and necessary expenses pertaining to his office, but such expenses shall not exceed \$1,500 per annum.

Duties and police powers of deputies

H B No. 147  
SL 1901

Sec. 7. That each of such deputies appointed as aforesaid shall perform the following duties: To examine into and inquire about any violation of the game and fish laws of this state and to institute prosecutions for any violations of said law, and make report at the end of each month to the state game and fish warden of all arrests and prosecutions made by said deputy, and furnish such other information which he may have that will tend to promote the enforcement of

the game and fish laws; and he is vested throughout the state with all the powers of a sheriff in making arrests and in the prosecution of all offenses against the game and fish laws of this state.

Sec. 8. Each state game and fish warden, immediately after his appointment, and every four years thereafter, is hereby authorized and empowered to appoint not less than five (5) nor more than eight (8) special deputy game and fish wardens, as the needs of the state may require:—Their term of office shall be for a period of four years, but any of said special deputy game and fish wardens so appointed by said state game and fish warden, may at any time be removed at the will of said state game and fish warden.

Number of  
deputies and  
term of office  
How removed

H B No. 147  
S L 1901

Sec. 9. That whenever a vacancy occurs by the death or removal of a special deputy game and fish warden, or for any other cause, the state game and fish warden is hereby authorized to fill said vacancy by appointment, if in his judgment it is to the best interests of the State to fill said vacancy.

Vacancy and  
how filled

Sec. 10. Each of the special deputy game and fish wardens, hereby provided for, shall before entering upon the discharge of their duties give a bond to the State of Montana in the sum of One Thousand (\$1,000.00) dollars for the faithful performance of the duties of his office, which bond shall be approved by the Governor and filed in the office of the Secretary of State.

Bond of  
deputies

Sec. 11. The duties of said special

Duties of  
deputies—  
continued

deputy game and fish wardens shall be to inquire about any violations of the game and fish laws of the State of Montana and to institute prosecutions for any violation of said law, and report in detail to said state game and fish warden at the end of each month, where they were each day of said month and the inquiries and efforts by them made to enforce the game and fish law; and each is vested throughout the state with all the powers of a sheriff in making arrests and in the prosecution of all offenses against the game and fish laws of said state.

Salary of  
deputies

Sec. 12. The special deputy game and fish wardens appointed by the State Game and Fish Warden shall receive a compensation for their services, pay at the rate of Twelve Hundred (\$1,200.00) Dollars per annum, which shall be in full for their services and expenses incurred in their own districts, the same to be made in monthly payments at the end of each month; provided, that in any case where it shall become necessary in the performance of his official duties for the State Game and Fish Warden or any special deputy game and fish warden appointed under the provisions of this act, to perform any service such as might be performed by a sheriff or other peace officer, he shall be entitled to receive for his own use and benefit the same fees and five cents per mile traveled in the performance of his duties within his own district, as if such service were performed by the sheriff of the county in which the service is performed, such fees and

S B No. 31  
S L 1903

Fees and  
mileage



mileage to be paid out of the State Fish and Game Fund when approved by the State Board of Examiners.

Sec. 13. The state game and fish warden may divide the state from time to time into such fish districts, as to him may seem best, and designate a special deputy game and fish warden to take charge of said district and to perform the duties of special deputy game and fish warden therein. The state game and fish warden may, however, when he deems it necessary for the better enforcement of the game and fish laws, send any of said special deputies from the district so assigned to them to perform services in another part of the state, and when such special deputy game and fish warden is so sent from his district to perform duties in any other part of the state he shall receive pay for actual and necessary expenses incurred by him while traveling outside of his district in performance of duty under the direction of said state game and fish warden.

Game and fish  
districts.  
Expenses for  
deputies and  
when allowed

H B No. 147  
S L 1901

Sec. 14. There is hereby created a fund to be known as the Fish and Game Fund; and all fines and licenses and other moneys collected under any of the provisions of the Game and Fish laws shall be paid to the State Treasurer and by him placed in the Fish and Game Fund.

Fish and game  
fund

S B No. 31  
S L 1903

Sec. 15. The Board of County Commissioners of each county, at the time of levying the annual tax, must levy a tax of one-tenth of a mill (1-10) on the dollar upon the assessed valuation of all property in their respective

Tax levy.  
How made  
H B No. 147  
S L 1901

counties, which must be collected as other taxes upon like property and when so collected must be paid to the State Treasurer, who must place the same into the fish and game fund, which money together with other money placed into the fish and game fund must be used in defraying the salaries and expenses provided for in this Act.

Making complaints and proceeding without liability of costs

H B No 147  
S L 1901

Searching persons or receptacles

Seizure and taking possession without warrant

Sec. 16. The state game and fish warden, the deputy game and fish wardens, and the special deputy game and fish wardens, may make complaints and cause proceedings to be commenced against any person for violation of any of the laws for the protection or propagation of game or fish and in such case he shall not be obliged to furnish security for costs. Any of said wardens shall have power to search any person and examine any boat, conveyance, vehicle, fish box fish basket, game bag, or game coat, or any other receptacle for game or fish when he has good reasons to believe that he will thereby secure evidence of the violation of the law. Any of said wardens shall at any and all time seize and take possession of any and all birds, animals or fish which have been caught, taken or killed at any time, in a manner or for a purpose or had in possession or under control or had been shipped contrary to any laws of the state, and such seizure may be made without a warrant. Any court having jurisdiction of the offense upon receiving proof of probable cause for believing in the concealment of any bird, animal or fish

caught, taken, or killed, had in possession, under control, or shipped contrary to any of the laws of this state shall issue a search warrant and cause a search to be made in any place, and to that end may cause any building enclosure or car to be entered, and any apartment, chest, box, locker, crate, basket, or package to be broken open and the contents thereof examined by the game and fish warden, or any deputy game and fish warden, or any special deputy game and fish warden, or any sheriff, deputy sheriff or constable. All birds, animals or fish seized by any officer, as herein provided shall be sold by said officer at a time and in a manner so as to receive the highest price therefor, and shall issue a certificate to the party purchasing the same certifying that the same was legally obtained and possessed, and any one so acquiring the same within this state shall have the right to deal therewith the same as if it had been killed and was possessed in accordance with the laws of this state, anything herein to the contrary notwithstanding and shall pay the money to the court before whom the person having the same in possession at the time of such seizure shall be prosecuted, and of the person from whom said birds, animals and fish were taken, is found guilty before said court of any violation of the fish and game laws of this state, said money shall be paid to the State Treasurer, and by him deposited into the fish and game fund, but should it be found that the party from whom the same

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Seizure and  
sale of game  
and what dis-  
position can be  
made of same

Pay proceeds  
into Court to be  
sent to State  
Treasurer

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Officers not lia-  
ble for seizure

All warrants  
must be approv-  
ed by Governor  
before being  
allowed

Reports of  
State Game  
Warden to  
Governor

was taken is not guilty of any violation of the game and fish laws of this state, said money shall be paid to the party from whom said birds, animals or fish were taken. No officer shall be liable for any damages on account of any search, examination, seizure or sale as herein provided for.

Sec. 17. No warrant shall be issued for the amount to be paid to the State Game and Fish Warden, or any of the special deputy game and fish wardens appointed by him, by the Auditor of the State, until itemized accounts, properly verified, shall be presented by the person to whom the warrant is to be issued or until the same is certified to as correct by the Governor of the State. Upon the presentation of said accounts, duly verified and certified, as above, the State Auditor shall draw a warrant on the fish and game fund on the State Treasurer, in favor of the party or parties entitled thereto, for the amount so certified, and the same shall be paid out of said fund.

Sec. 18. The State Game and Fish Warden shall make a semi-annual report to the Governor of all prosecutions instituted by himself and the different deputies during the six months prior to said report, and shall state in said report any and all information he may have obtained in regard to the condition of game and fish in the State of Montana, together with any information that may aid in protecting the fish and game of said state in the future.

Sec. 19. It shall be not lawful for

any non-resident of this State, who does not pay taxes within this State, to hunt for or kill, or cause to be hunted or killed, deer, Rocky Mountain goat, moose or elk within this State without first obtaining from the State Game and Fish Warden a hunter's license permitting him to do so. Any such non-resident may procure a hunter's license to hunt or kill such game, during the open season for the same, by making application to the State Game and Fish Warden stating his name, age, place of residence, post office address and the color of his hair and eyes and paying to the State Game and Fish Warden the sum of twenty-five dollars. Upon receipts of such application the State Game and Fish Warden shall issue to said applicant a license, bearing the date upon which the same is issued and authorizing the person named therein, to use firearms in hunting deer, Rocky Mountain goat, and elk for the open season of that year, but only at the times and in the manner provided by law that the same may be killed by residents of this state.

Sec. 20. It shall not be lawful for any non-resident of this state, who does not pay taxes within this state, to hunt for or kill, or to cause to be hunted for or killed, grouse, prairie chicken, fool hen, pheasant, partridge, sage hen, turtle dove, wild goose, wild duck, brant or swan, within this state without first obtaining from the State Game and Fish Warden a hunter's license permitting him to do so. Any such non-resident may procure a hun-

Non-resident  
license. How  
to secure.  
Large game.

Penalty, see  
page 13, sec 1

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License.  
Small game.

Penalty, see  
page 13, sec. 2



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er's license to hunt or kill such game during the open season for the same, by making application to the State Game and Fish Warden stating his name, age, place of residence, post office address and the color of his hair and eyes and paying to the State Game and Fish Warden the sum of fifteen dollars. Upon receipt of such application the State Game and Fish Warden shall issue to said applicant a license, bearing the date upon which the same is issued and authorizing the person named therein to use firearms in hunting grouse, prairie chicken, fool hen, pheasant, partridge, sage hen, turtle dove, wild goose, wild duck, brant and swan for the open season of that year and only at the times and in the manner provided by law that the same may be killed by residents of this state.

License form  
for large game

Sec. 21. The license for killing deer, Rocky Mountain goat, and elk shall be in the following form:

#### LICENSE FOR LARGE GAME.

Office of the State Game and Fish Warden, .....State of Montana.

I,....., the State Game and Fish Warden, do hereby certify that ....., has filed with me an application for a hunter's license stating that he resides at .....and his postoffice address is ..... his age is.....years, the color of his hair is .....and the color of his eyes is .....

I further certify that he has paid to me the sum of twenty-five (\$25.00)

dollars for this license and is authorized to hunt for and kill with fire-arms, deer, Rocky Mountain goat, and elk, during the open season for this year, but only at the times and in the manner provided by law that the same may be killed by residents of this state ....

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.....  
Dated .....190.....  
.....  
.....

State Game and Fish Warden.

Sec. 22. The license for killing grouse, prairie chicken, fool hen, pheasant, partridge, sage hen, turtle dove, wild goose, wild duck, brant, or swan shall be in the following form:

License form  
for small game

**LICENSE FOR SMALL GAME.**

Office of the State Game and Fish Warden.....State of Montana.

I,....., the State Game and Fish Warden, do hereby certify that....., has filed with me an application for hunter's license stating that he resides at ....., and his postoffice address is....., his age is.....years, the color of his hair is .....and the color of his eyes is.....

I further certify that he has paid to me the sum of fifteen (\$15.00) dollars for this license and is authorized to hunt for and kill with fire-arms, grouse, prairie chicken, fool hen, pheasant, partridge, sage hen, turtle dove, wild goose, wild duck, brant or swan during the open season for this year but only at the times and in the manner provided by law that the same

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may be killed by residents of this state.  
.....  
Dated ....., 190..  
.....

State Game and Fish Warden.

How license  
shall be  
granted.

Sec. 23. The State Game and Fish Warden shall have said licenses printed in book form, those for large game and those for small game in different book, with stubs; and the stubs and licenses shall be consecutively numbered and upon said stubs shall be kept a complete record of all licenses issued. The stub corresponding with the license shall contain the number of said license, date of issuance, to whom issued, residence, postoffice address, age, color of hair, color of eyes and the amount received, and whether issued for killing birds or animals; which record shall remain in his office and be open to the inspection of the public at all times.

Moneys collected by State  
Game Warden

Sec. 24. All money received by the State Game and Fish Warden for the foregoing licenses shall be paid by him to the State Treasurer and by him placed to the credit of the Fish and Game Fund.



## THE LACEY BIRD LAW.

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### **An Act to Enlarge the Powers of the Department of Agriculture, Prohibit the Transportation by Interstate Commerce of Game Killed in Violation of Local Laws and for Other Purposes.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this Act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out

the purposes of this Act, and shall expend for said purposes such sums as Congress may appropriate therefor.

Sec. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under the special permit from the United States Department of Agriculture; Provided, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or the importation of certain cage birds, such as domesticated canaries, parrots, or such other species as the Secretary of Agriculture may designate.

The importation of the mongoose, the so-called "flying-foxes" or fruit bats, the English sparrow, the starling, or such other birds or animals as the Secretary of Agriculture may from time to time declare injurious to the interest of agriculture or horticulture is hereby prohibited, and such species upon arrival at any of the ports of the United States shall be destroyed or returned at the expense of the owner. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

Sec. 3. That it shall be unlawful for any person or persons to deliver to any common carrier or for any common carrier to transport from one State or Territory to another State or Territory, or from the District of Columbia or Alaska to any State or Territory, or from any State or Territory to the District of Columbia or Alaska,

any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the State, Territory, or District in which the same were killed: Provided, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory or District in which the same are killed.

Sec. 4. That all packages containing such dead animals, birds, or parts thereof, when shipped by interstate commerce, as provided in section one of this Act, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this Act the shipper shall, upon conviction, pay a fine of not exceeding two hundred dollars; and the consignee knowingly receiving such articles so shipped and transported in violation of this Act shall, upon conviction, pay a fine not exceeding two hundred dollars; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of not exceeding two hundred dollars.

Sec. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or

the dead bodies or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals and birds had been produced in such State or Territory, and. shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This Act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl.

Approved May 25, 1900.







